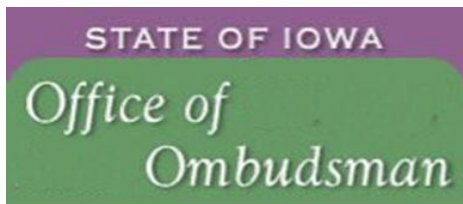


# Advocacy Roles

Iowa's Prospects for Independent  
Living Conference  
October 15, 2013

# Office of Ombudsman – History and Organization

- Term “Ombudsman” derives from Swedish word meaning representative
- Ombudsman created in 1809 by Swedish Parliament to protect rights of citizens
- Iowa Office of Ombudsman created in statute (Iowa Code chapter 2C) in 1972
- Office in legislative branch, independent from Governor and executive agencies
- Ombudsman appointed by Legislative Council, consent of House and Senate



# Disability Rights Iowa – History and Organization

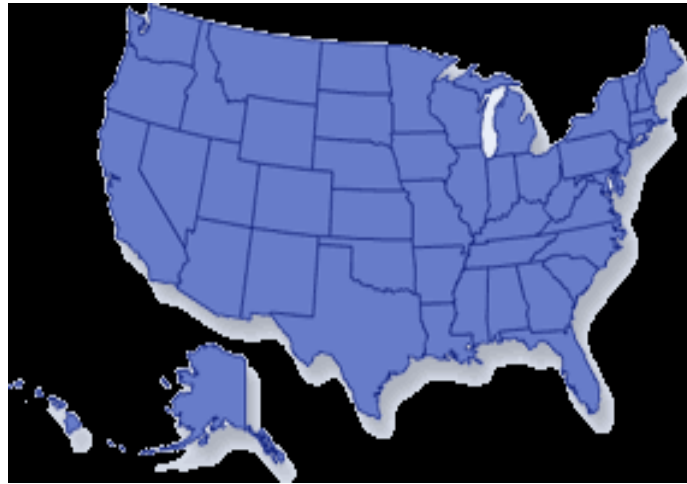


Geraldo Rivera, WABC-TV, 1972

<http://www.youtube.com/watch?v=dbiYJkiX-Dg>

# Disability Rights Iowa – History and Organization

Congress established the protection and advocacy system for individuals with developmental disabilities



[www.ndrn.org](http://www.ndrn.org)

# Disability Rights Iowa – History and Organization

## **Non-Profit Law Firm**

- 6 attorneys (including new director)
- 3 advocates
- 1 paralegal
- 1-2 benefit planners
- Administrative and Financial staff

**Federally Funded:** Department of Health and Human Services; Rehabilitation Services Administration; Social Security Administration

# Iowa Civil Rights Commission – Mission

A state law enforcement  
agency that protects ***your***  
rights as provided by the Iowa  
Civil Rights Act of 1965

# Iowa Civil Rights Commission – Mission

A state free of  
discrimination

# Iowa Department on Aging – History and Organization

**Older Americans Act of 1965 – In order for a State to receive appropriations from the Older Americans Act, the State shall designate a State agency as the sole State agency to:**

- Develop and administer a plan to carry out the functions and duties mandated by the Older Americans Act;
- Be primarily responsible for the planning, policy, development, administration, coordination, priority setting, and evaluation of all State activities related to the objectives of the Older Americans Act;
- Serve as an effective and visible advocate for older individuals; and
- Divide the State into planning and service areas for coordination and delivery of services.



# Iowa Department on Aging – History and Organization

## **Iowa Code Section 231: “Department on Aging – Older Iowans”**

- Creates a Commission on Aging to serve as the policymaking body of the sole state agency responsible for administration of the Older Americans Act.
- Outlines the duties of the Director of the Iowa Department on Aging.
- Provides mandates regarding programs operated by the Iowa Department on Aging and Iowa’s Area Agencies on Aging.

# Iowa Department on Aging - Mission

To develop a comprehensive, coordinated and cost-effective system of long term living and community support services that help individuals maintain health and independence in their homes and communities.

# Office of Ombudsman – Duties

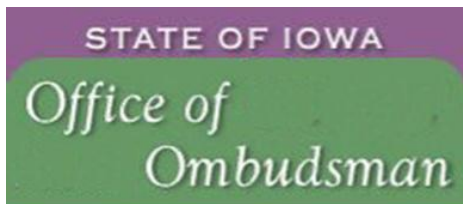
**Investigates and resolves complaints about state and local government agencies**

Exceptions:

- Governor, Legislators, Judges, and their staffs
- Government employee complaints about employment relationship

**Issues for investigation include administrative actions that are:**

- Contrary to law or regulation
- Unreasonable or unfair, even if in accordance with law
- Based on mistake of law or facts
- Based on improper motivation



# Disability Rights Iowa – Duties

P&A is an “**agent of the federal government**, suing to assure the state’s compliance with the federal duties of care for [individuals with mental illness] that the state agreed to perform.”

*Indiana Protection and Advocacy Services v. Indiana Family and Social Services Administration*, (7th Cir. April 22, 2010) (J. Posner, concurrence)

# Disability Rights Iowa – Duties

## 1) Quasi-Investigation Agency:

Investigate incidents of abuse and neglect of individuals with disabilities if P&A receives

- Complaint
- P&A Determines Probable Cause of Abuse & Neglect

# Disability Rights Iowa – Duties

## 2) Representation:

Pursue relief on behalf of individuals with disabilities

- Legal (individual or class action)
- Administrative
- Advocacy
- Negotiation
- Other

# Iowa Civil Rights Commission – Duties

- Employment
- Housing
- Credit
- Public Accommodations
- Education

# Iowa Civil Rights Commission – Duties

- Race
- Color
- Creed
- Religion
- National Origin
- Age
- Sex/Pregnancy
- Sexual Orientation
- Gender Identity
- Physical Disability
- Mental Disability
- Retaliation



# Iowa Department on Aging - Duties

## Advocacy

Advocate for changes in public policy, practices and programs that empower older Iowans, facilitate their access to services, protect their rights and prevent abuse, neglect, and exploitation. Activities may include legislative advocacy, information dissemination, outreach and referral, research and analysis and coalition building.

## Planning Development and Coordination

Conduct planning, policy development, administration, coordination, priority setting, and evaluation of all state activities related to the objectives of the Federal Older Americans Act.

## Health

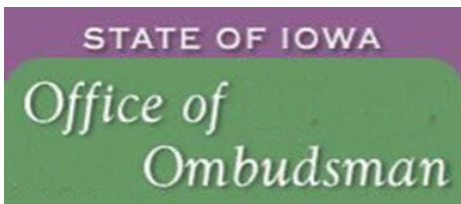
Support policies, programs and wellness initiatives to empower older Iowans to stay active and healthy, and improve their access to affordable, high quality home and community-based services.

# Office of Ombudsman – Complaint Process

**Receive complaints from any person without fee**

**Determine if appropriate for investigation. May decline if:**

- Complainant could reasonably use another remedy or recourse
- Complaint is outside authority of Ombudsman
- Complainant has no personal interest or is directly affected
- Complaint is too old, trivial, or not as worthy as other complaints
- Ombudsman's resources are insufficient for adequate investigation



# Office of Ombudsman – Complaint Process

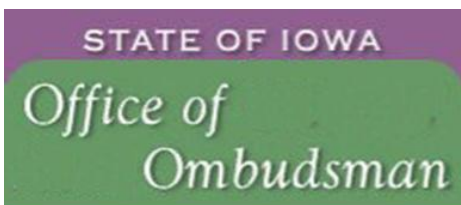
## **In conducting an investigation, may**

- Examine any relevant agency records, including confidential records
  - Exceptions: records prohibited by federal law; attorney work product
  - privileged communications that are protected by law
- Interview witnesses informally or under oath
- Issue subpoena for agency records or witnesses, if necessary

## **If complaint is substantiated, Ombudsman may:**

- Recommend agency take corrective or other appropriate action
- Issue public report of findings, conclusions, and recommendations
- Notify Legislature of desirable changes or propose legislation
- Refer persons warranting criminal or disciplinary action to appropriate authorities

**Ombudsman has no enforcement authority, cannot mandate agency action**



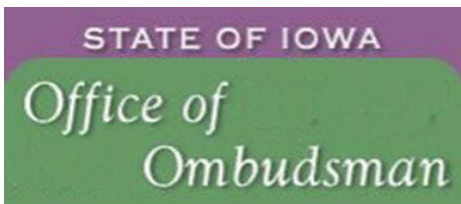
# Contacts to Ombudsman

Contacts may be in person (M - F, 8:00 a.m. - 4:30 p.m.), by postal mail, phone (most common method), email, or fax.

State of Iowa - Office of Ombudsman  
Ola Babcock Miller Building  
1112 E. Grand Avenue  
Des Moines, IA 50319

Telephone: 515-281-3592  
1-888-426-6283 (toll-free)  
Fax: 515-242-6007

Email: [Ombudsman@legis.iowa.gov](mailto:Ombudsman@legis.iowa.gov)



# Disability Rights Iowa - Achievements

- Improved non-emergency medical **transportation**
- Protected **special education students** from being expelled or suspended
- Exposed **isolation cells** at the Iowa Juvenile Home
- Helped **employees** with disabilities get their jobs back
- Investigated **abuse and neglect**
- Helped individuals under **guardianships** to have more rights
- **Extensive monitoring** of state and private facilities

# Disability Rights Iowa - Areas of Focus

- Abuse and Neglect
- Accessibility
- Community Integration
- Education
- Employment
- Guardianship and Supported Decision-making
- Voting

# Disability Rights

Jane Hudson, Executive Director  
Disability Rights Iowa

400 East Court Ave. Ste.400  
Des Moines, IA 50309

515-278-2502

[www.disabilityrightsiowa.org](http://www.disabilityrightsiowa.org)

# Iowa Civil Rights Commission – Complaint Process

- Complaint filed
- Questionnaire responses submitted
- Screening decision issued
- Mediation
- Investigation
- ALJ review of PC/NPC (DIA)
- Conciliation
- Public Hearing
- Commissioners review
- District Court Review



# Iowa Civil Rights Commission

Grimes State Office Building  
400 E. 14<sup>th</sup> Street  
Des Moines, Iowa 50319

515-281-4121  
800-457-4419 (toll free)  
Fax: 515-242-5840

[www.icrc.iowa.gov](http://www.icrc.iowa.gov)

# Iowa Department on Aging – Methods of Assistance

- Review and comment upon state and federal policies and legislation that impacts the lives of older Iowans
- Create awareness of issues impacting Iowans
- Collaborate with policymakers, federal and state agencies, advocates, and advocacy organizations

# Iowa Department on Aging

Jessie Parker Building  
510 E. 12<sup>th</sup> Street  
Des Moines, Iowa 50319

515-725-3333  
800-532-3213 (toll free)

[www.iowaaging.gov](http://www.iowaaging.gov)